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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,260	08/07/2001	Aki Koyabu	210146US2PCT	9257
22850	7590	12/06/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/890,260	KOYABU ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 August 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/09/2001.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

*Information Disclosure Statement*

1. The examiner considered the abstract of the IDS submitted in 11/09/2001. Since this art was considered extremely relevant in the patent PCT, translated copies of the art should be provided.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sumiya (EP 0 892 554 A2).

Regarding claim 1, Sumiya discloses an information retrieving apparatus retrieving desired information from a plurality of information provided by predetermined information providing means (see col. 1 lines 7-15), comprising;

storing means for storing usage history information of a recording medium for recording said information, which is obtained by using said recording medium (see col. 16 lines 44-54, col. 20 lines 25-45 and 51-57, and col. 21 lines 11-21); and

retrieving means for retrieving information that matches user's preference from said plurality of information based on said usage history information (see col. 19 lines 28-40, col. 21 lines 22-29 and line 56-col. 22 line 18).

Regarding claim 2, Sumiya discloses display controlling means for displaying header information indicating contents said retrieved information on display means (see col. 17 lines 20-40 and fig. 6 and 9).

Regarding claim 3, Sumiya discloses said usage history information Comprises record history, which is obtained by recording said information provided by said information providing means, in said recording medium (see col. 20 lines 46-57 and col. 21 lines 11-21).

Regarding claim 4, Sumiya discloses said usage history information comprises reproduction history information of information, which is obtained by reproducing said information recorded in said recording medium (see col. 25 lines 28-58).

Regarding claim 5, Sumiya discloses said usage history information comprises record/reproduction history information of information which is obtained by recording or reproducing said information provided by said information providing means, in/from said recording medium (see col. 20 lines 46-57, col. 21 lines 11-21 and col. 25 lines 28-58).

Regarding claim 6, Sumiya discloses said information comprises information of broadcasting programs (see col. 23 lines 15-31).

Regarding claim 7, Sumiya discloses an information receiving apparatus for receiving desired information by retrieving said information from a plurality of information which is transmitted from predetermined information transmitting means (see col. 23 lines 37-40), comprising:

storing means for storing usage history information of recording medium for recording said information, which is obtained using said recording medium (see col. 23 lines 41-53); and

retrieving means for retrieving information that matches a user's preference from said plurality of information based on said usage history information (see col. 23 line 46-col. 24 line 3 and 21-46).

Regarding claim 8, Sumiya discloses display controlling means indicating contents of said displaying header information retrieved information on display means (see col. 24 lines 4-26).

Regarding claim 9, Sumiya discloses said usage history information comprises record history information of information, which is obtained by recording said information transmitted by said information transmitting means, said recording medium (see col. 24 lines 21-37 and col. 25 lines 9-20).

Regarding claim 10, Sumiya discloses said usage history information comprises reproduction history information of information, which is obtained by reproducing said information recorded in said recording medium (see col. 25 lines 29-58).

Regarding claim 11, Sumiya discloses said usage history information comprises viewing history information of information, which is obtained by viewing said information recorded in said recording medium (see col. 25 lines 29-45).

Regarding claim 12, Sumiya discloses said usage history information comprises record/reproduction/viewing history information of information,

which is obtained by recording, reproducing and viewing said information transmitted by said information transmitting means, in/from said recording medium (see col. 18 lines 13-19, col. 25 lines 29-58).

Regarding claim 13, Sumiya discloses said information comprises information of broadcasting program (see col. 23 lines 5-31).

Claims 14-20 are method claims corresponding to apparatus claims 1-6. Therefore claims 14-20 are rejected for the same reason as discussed in claims 1-6 respectively.

Claims 21-27 are method claims corresponding to apparatus claims 7-13. Therefore claims 21-27 are rejected for the same reason as discussed in claims 7-13 respectively.

### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
November 10, 2005

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616